

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, August 22, 2006 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D Kinser, Chair
Jack Miller
Ken Hart
Troy Smith
Robert M Kirby
Michael D. Redifer
Ann Rackas Pate
Deborah Lynn Tomlin
Wyatt Walton
Dorothy Wood

Mr. Orange, Mr. Modisett and Mr. Cronin did not attend the meeting.

Staff members present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Nick Christner, Deputy Director, CID
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Doug Schroder, Director, Adjudication
Bonnie Rhea Adams, Director, CAR

Chairman Mark Kinser called the meeting to order at 9:10 a.m. and declared a of board members was in attendance.

Call
To Order

A motion was made by **Ms. Wood** and seconded by **Mr. Hart** to approve the agenda as written. The motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

Approval of
the Agenda

Mr. Kirby moved to approve the following minutes as submitted from the:

Approval of
Minutes

July 25th, 2006, Board for Contractor Meeting
May 24, 2006, Informal Fact Finding Conference.
June 15, 2006, Informal Fact Finding Conference.
July 06, 2006, Informal Fact Finding Conference.
July 11, 2006, Informal Fact Finding Conference.
July 18, 2006, Informal Fact Finding Conference
July 20, 2006, Informal Fact Finding Conference

Ms. Wood seconded the motion and it was unanimously approved by members: Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

There was no public comment.

Public
Comment
Period

In the matter of License Application File Number 2006-04516, Linwood Harris, JR., t/a Harris Renovation Services, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-04516
Linwood
Harris, Jr.,
t/a
Harris
Renovation
Services

Linwood Harris, Jr., appeared on behalf of **Harris Renovation Services** at the IFF. He did not attend the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license. The Board considered its Regulations 18 VAC 50-22-50G and other applicable law: §54.1-204 and 54.1-1108 of the Code of Virginia. The Board denies the application based upon the record of, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. The Board is of the

opinion Harris, in part, due to Harris' propensity to ignore the Board's regulations and by licensure the public have a false sense of security.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** Modisett, Cronin and Orange were absent.

In the matter of License Application File Number 2006-04917, Guy Stinchfield, t/a Guy Stinchfield Painting & Repair, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Guy Stinchfield appeared at the IFF. He did not attend the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Tomlin** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-04517
Guy
Stinchfield,
t/a
Stinchfield
Painting &
Repair

The motion passed by majority vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Smith, Hart, Walton and Wood.** Modisett, Cronin and Orange were absent. Rackas Pate voted "no".

In the matter of License Application File Number 2006-04916, Virginia Painting and Wallcovering Cont., Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Luther Robert Brown, Jr. appeared at the IFF and at the Board meeting on behalf of **Virginia Painting and Wallcovering Cont., Inc.** He addressed the Board and shared his agreement with the recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mrs. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-04916
Virginia
Painting and
Wallcover-
ing Cont.,
Inc.

The motion was approved by majority vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Smith, Hart, Walton and Wood.** Modisett, Cronin and Orange were absent. Ms. Rackas Pate voted "no".

In the matter of Disciplinary File Number 2006-04918 Virginia Painting and Wallcovering Cont Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Virginia Painting and Wallcovering Cont., Inc. (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote.

File Number
2006-04918
Virginia
Painting and
Wallcover-
ing Cont.,
Inc.

After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Virginia Painting and Wallcovering Cont Inc.**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 22

Count 2: 18 VAC 50-22-260 B 23

The motion was approved by a unanimous vote. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Ms. Rackas Pate** to impose the following monetary sanctions: \$00.00 penalty for violation of Count 1; \$500.00 penalty for violation of Count 2. Total monetary penalty is \$500.00. As to Count 2 the Board further imposes that **a member of responsible management** successfully complete the Board’s Basic Contracting Licensing Class (remedial education) within six months or its license will be suspended. The Board further imposes no monetary penalty for the violation of the regulation for count 1.

The motion was approved unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

In the matter of License Application File Number 2006-05024, Cordell Exteriors Inc the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Cordell Exteriors Inc appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not

File Number
2006-05024
Cordell
Exteriors
Incorporated

participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license. The Board has considered its Regulations: 18 VAC 50-22-60 G and other applicable law: §54.1-204 and 54.1-1106 of the Code of Virginia. The Board denies the application based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. The Board is of the opinion that due to the lack of evidence of successful rehabilitation from the pattern of criminal behavior since 1996, that the license be denied.

The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange** were absent.

In the matter of License Application File Number 2006-05025, James Bradley Cowhig the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-05025
James
Bradley
Cowhig

James Bradley Cowhig appeared at the IFF. He did not attend the Board meeting. A Handout was distributed to the Board for their review by Mr. Hoeft and Ms. Perkins. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange** were absent. **Mr. Kirby** voted "no".

In the matter of License Application File Number 2006-05026, Douglas Lynn Powell, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-05026
Douglas
Lynn Powell

Applicant Douglas Lynn Powell appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a

motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to approve the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

In the matter of License Application File Number 2006-05027, Venning, Inc, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-05027
Venning,
Inc.**

Daniel Winfree for Venning, Inc appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

In the matter of License Application File Number 2006-05050, Kenneth B Long, t/a KBL Construction, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-05050
Kenneth B
Long, t/a
KBL
Construction**

Applicant Kenneth Long t/a KBL Construction appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

In the matter of License Application File Number 2006-05089, Brad Sloat t/a Advanced Home Improvements, the Board members reviewed the

**File Number
2006-05089**

record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Brad Sloat t/a Advanced Home Improvements appeared at the IFF and he attended the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Hart** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

**Brad Sloat
t/a Advanced
Home
Improve-
ments**

In the matter of Recovery Fund File Number 2006-00688, David Chacon (Claimant) vs. National Restoration Specialists (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither National Restoration Specialists, Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **David Chacon (Claimant)** appeared at the IFF and the Board meeting. He shared his agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$1,135.50**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent. As the Board Representative, Mr. Hollar was not present and did not vote.

**File Number
2006-00688
David
Chacon vs.
National
Restoration
Specialists,
Inc.**

In the matter of Recovery Fund File Number 2006-00819, Kristie Cassady (Claimants) vs. Ricky Johnson t/a Commonwealth Design/Build (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither William Cole t/a USA Home Improvements (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Kristie Cassady (Claimant)** appeared at the IFF but did not attend the Board meeting. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,600.00**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate,**

**File Number
2006-00819
Kristie
Cassady vs.
Ricky
Johnson t/a
Common-
wealth
Design/Build**

Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent. As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01048, Lynn McBride (Claimants) vs. Lawrence Welch t/a Window Pro (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Lawrence Welch, t/a Window Pro (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Lynn McBride (Claimant)** appeared at the IFF and attended the Board meeting and shared his agreement with the summary and recommendation. After discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,038.00**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.** As the Board Representative, Mr. Hollar was not present and did not vote.

File Number
2006-01048
Lynn
McBride vs.
Lawrence
Welch t/a
Window Pro

In the matter of Recovery Fund File Number 2006-01357, Joan Allison (Claimants) vs. Nevets Construction LLC t/a Nevets Construction (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Nevets Construction LLC (Regulant)** appeared at the IFF and the Board meeting. Mr. Steve Hardy addressed the Board on behalf of Nevets Construction LLC. **Joan Allison (Claimant)** appeared at the IFF and the Board meeting. She addressed the Board and shared her disagreement with the Summary and Recommendation. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the claim review and the hearing officer's recommendations and summary and deny payment of the claim. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

File Number
2006-01357
Joan Allison
vs. Nevets
Construction
LLC

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01864, Thuyen Trevino (Claimants) vs. The Virginia Honey-Do's, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and

File Number
2006-01864
Thuyen

exhibits from the IFF, and the summary and recommendation. **The Virginia Honey-Do's Inc (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Thuyen Trevino (Claimant)** attended the IFF and the Board meeting. She expressed her agreement with the summary and recommendation. Mr. Hoeft and Ms. Perkins gave the Board a handout for review. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Smith** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$1,985.00**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood**. **Modisett, Cronin and Orange** were absent.

**Trevino vs.
The Virginia
Honey-Do's
Inc.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01864, Arnold Lawson, Jr. (Claimants) vs. Mickey Higgins t/a Higgins Home Improvement (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Mickey Higgins t/a Higgins Home Improvement (Regulant) "nor" anyone** on its behalf appeared at the IFF or the Board meeting. **Arnold Lawson, Jr. (Claimant)** appeared at the IFF but did not attend the Board meeting. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of \$32,700.50. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood**. **Modisett, Cronin and Orange** were absent.

File Number
2006-01864
Arnold
Lawson, Jr.
vs. Mickey
Higgins t/a
Higgins
Home
Improve-
ment

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01866, Charles Brown (Claimants) vs. Atlantic Concrete (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Atlantic Concrete (Regulant) "nor" anyone** on their behalf appeared at the IFF or the Board meeting. **Charles Brown (Claimant)** appeared at the IFF but not the Board meeting. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Walton** to adopt the claim review and accept the hearing officer's recommendations and summary for violations and pay the claim in the amount of \$5,969.17. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith,**

File Number
2006-01866
Charles
Brown vs.
Atlantic
Concrete

Hart, Walton and Wood. Modisett, Cronin and Orange were absent.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01889, Heath and Heather Pence (Claimants) vs. Matthew Westfall t/a Matt Westfall (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Matthew Westfall t/a Matt Westfall (Regulant) nor anyone** on its behalf appeared at the IFF. He attended the Board meeting and requested the IFF be reconvened so he would be able to attend and present his evidence. **Heather Pence (Claimants)** appeared at the IFF and in person at the Board meeting and addressed the Board. After discussion, a motion was made by **Mr. Hart** and seconded by **Mr. Redifer** to **reconvene** the case upon the advice of counsel. The motion passed by majority vote. Members voting “Yes” were: **Kinser, Redifer, Tomlin, Miller, Smith, and Hart. Modisett, Cronin and Orange were absent. Members voting “no” were: Rackas Pate, Walton, Wood and Kirby.**

File Number
2006-01889
Matthew
Westfall t/a
Matt
Westfall

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01893, Alcazar Trust, Jose Illan (trustee)(Claimants) vs. Hayeslee Heating & Air Conditioning Co., Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Hayeslee Heating & Air Conditioning Co., Inc (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Jose Illan (trustee) (Claimants)** appeared at the IFF and the Board meeting. He shared his disagreement with the Board. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the claim review and the hearing officer’s recommendations and summary for violations and deny payment of the claim. The motion passed with a unanimous vote. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

File Number
2006-01893
Jose Illan
(trustee) vs.
Hayeslee
Heating &
Air
Conditioning
Co., Inc.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01922, Betty Lane (Claimants) vs. Christopher Carter t/a Carters Contracting Services

File Number
2006-01922

(Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Christopher Carter t/a Carter's Contracting Services (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Betty Lane (Claimants)** appeared at the IFF but not the Board meeting. **She called Ms. Traylor to indicate she could not attend.** After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and amend payment of the claim to reflect amount granted on judgment. **The claim was awarded as \$4,138.76.** The motion passed majority vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent. **Rackas Pate** voted "no".

**Christopher
t/a Carters
Contracting
Services**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01959, Marilyn Daub (Claimants) vs. Mitchell & Delaina Stroop t/a Bo's Chimney Service (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Mitchell & Delaina Stroop t/a Bo's Chimney Service (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Marilyn Daub (Claimant)** appeared at the IFF and attended the Board meeting and shared her agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$10,703.00.** The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

**File Number
2006-01959
Mitchell &
Delaina
Stroop t/a
Bo's
Chimney
Service**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02908, Sean & Mary Ellen Stanley (Claimants) vs. Longo and Sons, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Longo And Sons, Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Sean Stanley (Claimant)** appeared at the IFF but not the Board meeting. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Orange** to adopt the claim review and the hearing officer's recommendations and summary for violations and deny payment of the claim.

**File Number
2005-02908
Longo and
Sons, Inc**

The motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

As the Board Representative, Mr. Ward was not present and did not vote.

At 10:58 AM, Mr. Redifer stated: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of briefings by staff members pertaining to actual and/or potential litigation as permitted by **§2.2-3711.A.28 of the Code of Virginia**. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, David Ashe, Eric Olson and Karen O’Neal. This motion is made with respect to the matters identified as agenda items File Numbers 2005-04840 case #22. Mr. Hart seconded this motion. The motion passed with a unanimous vote. Members voting “yes” were: **Kinser, Kirby, Modisett, Redifer, Smith, Tomlin, Orange, Rackas Pate and Wood. Walton and Hart were absent.**

Closed
Session

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification
of Closed
Session

Whereas, §2.2-3712 of the **Code of Virginia** requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law:

Now, therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Roll Call Vote; Ayes – Mr. Ward, Mr. Smith, Mr. Kirby, Ms. Wood, Ms. Rackas Pate, Mr. Redifer, Mr. Kinser, Mr. Miller, Mr. Hart and Ms. Tomlin. The vote was taken at: 11:58 AM.

Absent from Closed Session: Mr. Ward

Absent from meeting: Mr. Modisett, Mr. Orange and Mr. Cronin

In the matter of Recovery Fund File Number 2006-02698, Charles Larson (Claimants) vs. Paul Neuss (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Paul Neuss (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Charles Larson (Claimant)** appeared at the IFF and attended the Board meeting and shared his agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Kirby** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$11,025.70**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

File Number
2006-01903
Charles
Larson vs.
Paul Neuss

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01882, Willy & Nancy Weaver (Claimants) vs. Jason Wheeler t/a All Around General Construction & Remodeling (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Jason Wheeler t/a All Around General Construction & Remodeling (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Willy & Nancy Weaver (Claimant)** appeared at the IFF but not the Board meeting. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$11,025.70**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

File Number
2006-01882
Jason
Wheeler t/a
All Around
General
Construction
&
Remodeling

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01883, Jeffrey & Susan Crouch (Claimants) vs. CSS Sales, Inc.(Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither CSS Sales, Inc. (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Jeffrey Crouch (Claimants)** appeared at the IFF and attended the Board meeting and he shared his agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$12,068.70**. The motion passed unanimously.

File Number
2006-01883
CSS Sales,
Inc.

Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01886, Marilyn South (Claimants) vs. Roy Boivin (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Roy Boivin (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **Marilyn South (Claimant)** appeared at the IFF. She did not attend the Board meeting. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer’s recommendations and summary for violations and pay the claim for payment in the amount of **\$15,038.00**. The motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

File Number
2006-01886
Marilyn
South vs.
Roy Boivin

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01888, Jack Parr (Claimants) vs. Ambrogi Enterprises (Respondent); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Ambrogi Enterprises (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Jack Parr (Claimant)** appeared at the IFF and attended the Board meeting and shared his agreement with the summary and recommendation. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer’s recommendations making sure it **reflects the correct amount** and summary for violations and pay the claim for payment in the amount of **\$15,185.00**. The motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

File Number
2006-01888
Randall
Scott
Roofing, Inc.

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01897, Kathy

File Number

Dickinson (Claimants) vs. Capitol Asphalt Paving, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Capitol Asphalt Paving, Inc (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Kathy Dickinson (Claimant)** appeared at the IFF and attended the Board meeting and shared her agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$12,038.00**. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood**. **Modisett, Cronin and Orange** were absent.

2006-01897
Capitol
Asphalt
Paving, Inc.

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01898, Tammy & Luis Serrano (Claimants) vs. Tina Davis t/a Davis Roofing (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Tina Davis t/a Davis Roofing (Regulant) nor anyone** on their behalf appeared at the IFF. Ms. Davis attended the Board meeting and requested this case be reconvened so Davis Roofing can present their evidence. **Tammy and Luis Serrano (Claimant)** appeared at the IFF and attended the Board meeting and addressed the Board. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Tomlin** to reconvene this case to an IFF for additional information. The motion passed unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood**. **Modisett, Cronin and Orange** were absent.

File Number
2006-01898
Tina Davis
t/a Davis
Roofing

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01909, Patricia Tholen (Claimants) vs. Residential Remodeling Concepts (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Residential Remodeling Concepts (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Patricia Tholen (Claimant)** appeared at the IFF. She did not attend the Board meeting. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$17,016.00**. The

File Number
2005-01909
Shawna
Robertson
t/a
Residential
Remodeling
Concepts

motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01911, Shawn Washinko (Claimants) vs. Capitol Development Corporation, LLC (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Capitol Development Corporation, LLC (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Shawn Washinko (Claimant)** appeared at the IFF and attended the Board meeting and he addressed the Board. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the claim review and the hearing officer’s recommendations and summary for violations and pay the claim for payment in the amount of **\$16,588.00**. The motion passed unanimously. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

File Number
2006-01911
Capitol
Development
Corporation,
LLC

As the Board Representative, Mr. Ward was not present and did not vote.

In the matter of Disciplinary File Number 2006-00343, Richard Naehr t/a Master Craft Exteriors (Regulant); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Richard Naehr t/a Master Craft Exteriors (Regulant)** appeared at the IFF. He did not attend the Board meeting. As the Board Representative, **Ms. Wood** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and amend the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Richard Naehr** violated the following sections of its Regulations:

File Number
2006-00343
Richard
Naehr t/a
Master Craft
Exteriors

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: no violation

Count 3: no violation

The motion was approved by a unanimous vote. Members voting “Yes” were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart and Walton.** **Modisett, Cronin and Orange** were absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr.**

Hart to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1. Total monetary penalty if \$500.00. As to Count 1 the Board further imposes that **Richard Naehr** successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months or its license will be suspended. The Board further imposes no monetary penalty for the violation of the regulation for counts 2 and 3. The Board closed Counts 2 and 3 with a finding of no violation. Count 3 was closed with a finding of no violation because the postmaster provided incorrect information.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart and Walton. Modisett, Cronin and Orange were absent.**

At 11:40 the Board took a 10 minute recess and reconvened at 11:00 am.

**Recess and
Reconvene**

In the matter of Disciplinary File Number 2006-01483 Travis Grady t/a Virginia Asphalt the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Neither Travis Grady t/a Virginia Asphalt (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Wood** was not present, did not participate in the discussion and did not vote.

**File Number
2006-01483
Travis
Grady t/a
Virginia
Asphalt**

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Travis Grady**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 8

Count 2: 18 VAC 50-22-260 B 9

(Effective September 1, 2001)

Count 3: 18 VAC 50-22-260.B 13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart and Walton. Modisett, Cronin and Orange were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr.**

Hart to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1; \$500.00 penalty for violation of Count 2 and \$1,000.00 penalty for violation of Count 3. Total monetary penalty if \$2,000.00. As to Counts 1 and 2 the Board further imposes that **Travis Grady** successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months or its license will be suspended.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart and Walton. Modisett, Cronin and Orange were absent.**

In the matter of Disciplinary File Number 2006-01020 David Adams, Sr. t/a DGA Home Improvements the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Neither David Adams, Sr. t/a DGA Home Improvements (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. Mr. Richard Furbush (Complainant) was present at the meeting and addressed the Board. The presiding Board representative **Mr. Kirby** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **David G Adams Sr.**, violated the following sections of its Regulations:

(Effective January 1, 2003)
Count 1: 18 VAC 50-22-260 B 18
Count 2: 18 VAC 50-22-260 B 8
Count 3: 18 VAC 50-22-230 A
Count 4: 18 VAC 50-22-260 B 27
Count 5: 18 VAC 50-22-260 B 15
Count 6: 18 VAC 50-22-260 B 16

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood. Modisett, Cronin and Orange were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1; \$500.00 for violation of Count 2; \$750.00 for

File Number
2006-01020
David
Adams, Sr.
t/a DGA
Home
Improve-
ments

violation of Count 4; \$2,500 for violation of Count 5 and \$2,500.00 for violation of Count 5. Total monetary penalty if \$7,250.00. The Board further imposes revocation of license 2705-067140 for the violation of the regulation for count 5 and 6. The Board requires David G Adams Sr to successfully complete the Board's Basic Contracting Licensing Class within six months of the entry of the final order or license will be suspended for non compliance.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** Modisett, Cronin and Orange were absent.

In the matter of Disciplinary File Number 2005-05146 Premier Project Management Services, LLC the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2005-05146
Premier
Project
Management
Services,
LLC**

Neither Premier Project Management Services, LLC (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. Waverly and Juliette Brown appeared at the Board meeting. They addressed the Board. The presiding Board representatives **Mr. Modisett and Ms. Wall** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Premier Project Management Services, LLC.**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 26

Count 3: 18 VAC 50-22-260 B 5

Count 4: 18 VAC 50-22-260 B 6

Count 5: 18 VAC 50-22-260 B 31

Count 6: 18 VAC 50-22-260 B 6

Count 7: 18 VAC 50-22-260 B 14

Count 8: 18 VAC 50-22-260 B 16

(Effective September 1, 2001)

Count 9: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** Modisett, Cronin and Orange were absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to impose the following monetary sanctions: \$100.00 penalty for violation of Count 1; \$800.00 for violation of Count 2; \$1,300.00 for violation of Count 3; \$800.00 for violation of Count 4; \$400.00 for violation of Count 5; \$800.00 for violation of Count 6; \$2,000.00 for violation of Count 7; \$2,000.00 for violation of Count 8 and \$1,000.00 for violation of Count 9. Total monetary penalty if \$9,200.00. The Board further imposes revocation of license 2701-032584 for the violation of the regulation for counts 3, 4, 7 and 8. The Board also requires a member of Responsible Management of Premier Project Management Services LLC to successfully complete remedial education within six months of the entry of the final Order. Failure to comply will result in license suspension.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Rackas Pate, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

In the matter of Disciplinary File Number 2006-00981 Charles Bennett, Jr. t/a D & F Construction the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-00981
Charles
Bennett, Jr.
t/a D & F
Construction

Neither Charles Bennett, Jr. t/a D & F Construction (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Rackas Pate** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Charles D Bennett Jr.**, violated the following sections of its Regulations:

(Effective September 1, 2003)

Count 1: 18 VAC 50-22-230 B

Count 2: 18 VAC 50-22-260 B 8 (one violation)

Count 3: 18 VAC 50-22-260 B 9 (one violation)

Count 5: 18 VAC 50-22-260 B 27

Count 6: 18 VAC 50-22-260 B 16

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1; \$500.00 for violation of Count 2; \$500.00 penalty for violation of Count 3; \$1,000.00 for violation of Count 5 and \$2,000.00 penalty for violation of Count 6. . Total monetary penalty if \$4,500.00. The Board requires **Charles D Bennett Jr.** to successfully complete the Board's Basic Contracting Licensing Class. The Board further imposes revocation of license for the violation of its regulation for count 6. The Board closes one violation of Count 18 VAC 50-22-260 B 8 and one violation of Count 3, 18 VAC 50-22-260 B 9 and Count 4, 18 VAC 50-22-260 B 27 with a finding of no violation.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Redifer, Tomlin, Miller, Smith, Hart, Walton and Wood.** **Modisett, Cronin and Orange** were absent.

In the matter of Disciplinary File Number 2006-02332 Charles Bennett, Jr. t/a D & F Construction the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-02332
Charles D
Bennett JR,
t/a D & F
Construction

Neither Charles D Bennett Jr t/a D & F Construction (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Rackas Pate** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Charles D Bennett, Jr..**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 14

Count 3: 18 VAC 50-22-260 B 16

The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Redifer, Kinser, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1; \$2,000.00 for violation of Count 2 and \$2,000.00 for violation of Count 3. Total monetary penalty if \$4,500.00. The Board further

imposes revocation of license **2705-077768** for the violation of the regulation for count 2 and 3. The Board further requires Charles D Bennett Jr. to successfully complete the Board's Basic Contracting Licensing Class.

The motion was approved unanimously. Members voting "Yes" were: **Smith, Redifer, Kinser, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Disciplinary File Number 2005-04299 Eugene M Mullins Sr, t/a Free Spirit Building-n-remodeling the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-04299
Eugene M
Mullins Sr
t/a Free
Spirit
Building-n-
remodeling

Eugene M Mullins Sr (Respondent) did not appear at the IFF or the Board meeting. The presiding Board representative **Mr. Kinser and Ms. Wall** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Eugene M Mullins Sr** violated the following sections of its Regulations:

(Effective January 1, 2001)

Count 1: 18 VAC 50-22-230 A

Count 2: 18 VAC 50-22-260 B 8

Count 3: 18 VAC 50-22-260 B 27

Count 4: 18 VAC 50-22-260 B 6

Count 5: 18 VAC 50-22-260 B 5

Count 6: 18 VAC 50-22-260 B 28

The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Kirby** to impose the following monetary sanctions: \$500.00 penalty for violation of Count 1; \$350.00 for violation of Count 2; \$700.00 for violation of Count 3; \$800.00 for violation of Count 4; \$1,300.00 for violation of Count 5; \$2,000.00 for violation of Count 6. Total monetary penalty if \$5,650.00. The Board further requires a member of Responsible Management of Eugene M Mullins Sr to successfully complete the Board's Basic Contracting Licensing Class for the violation of the regulation for count 1. The Board

further imposes license (2705-077037) revocation for violation of **Count 3, 4, 5 and 6.**

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2005-04908 Peter Gilk t/a Creative Asphalt Paving And Seal Coating the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2005-04908
Peter Gilk
t/a Creative
Asphalt
Paving and
Seal Coating**

Peter Gilk, t/a Creative Asphalt Paving and Seal Coating (Respondent) did not appear at the IFF or the Board meeting. The presiding Board representatives **Ms. Wall and Mr. Kinser** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Peter Gilk.** violated the following sections of its Regulations:

(Effective January 1, 2003)
Count 1: 18 VAC 50-22-260 B 18

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to approve the correction to the summary and to impose the following monetary sanctions: \$600.00 penalty for violation of Count 1. Total monetary penalty if \$600.00. The Board further imposes license (2705-068874) revocation for violation of Count 1.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2005-05104 James F Sarno, t/a Manor Maintenance the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the

**File Number
2005-05104
James F**

Informal Fact-Finding Conference of the presiding Board member.

**Sarno t/a
Manor
Maintenance**

Neither James F Sarno t/a Manor Maintenance (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **James F Sarno** violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 10

Count 3: 18 VAC 50-22-260 B 15

(Effective September 1, 2001)

Count 4: 18 VAC 50-22-260 B 28

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to impose the following monetary sanctions: \$800.00 penalty for violation of Count 1; \$315.00 for violation of Count 2; \$1,750.00 for violation of Count 3; \$2,000.00 for violation of Count 4. Total monetary penalty if \$4,865.00. The Board further imposes revocation of license **2705-035157** for the violation of the regulation for counts 3 and 4. The Board requires **James F Sarno** to successfully complete the Board’s Basic Contracting Licensing Class.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-00009 Posey’s Heating & Air Conditioning the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-00009
Posey’s
Heating &
Air
Conditioning**

Neither Posey’s Heating & Air Conditioning (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board

representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Posey's Heating & Air Conditioning**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 8

Count 2: 18 VAC 50-22-260 B 9

Count 3: 18 VAC 50-22-260 B 8

Count 4: 18 VAC 50-22-260 B 9

Count 5: 18 VAC 50-22-230 B 6

Count 6: 18 VAC 50-22-260 B 30

(Effective September 1, 2001)

Count 7: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to impose the following monetary sanctions: \$400.00 penalty for violation of Count 1; \$500.00 for violation of Count 2; \$400.00 for violation of Count 3; \$500.00 for violation of Count 4 and \$800.00 for violation of Count 5; \$1,250.00 for violation of Count 6 and \$1,300. for violation of Count 7. Total monetary penalty if \$5,150.00. The Board further imposes revocation of license **2705-012813** for the violation of the regulation for count 6 and 7. The Board requires Posey's Heating & Air Conditioning to successfully complete the Board's Basic Contracting Licensing Class within six months of the order. The Board voted to remove the revocation for Count 5 as recommended by the Board Representative in order to stay in line with previous Board action.

The motion was approved unanimously. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett were absent.**

the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Peter Gilk t/a Creative Asphalt Paving And Seal Coating (Respondent) did not appear at the IFF or the Board meeting. The presiding Board representatives **Ms. Wall and Mr. Kinser** were not present, did not participate in the discussion and did not vote.

**Peter Gilk
t/a Creative
Asphalt
Paving And
Seal Coating**

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Peter Gilk**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 18

(Effective September 1, 2001)

Count 2: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to impose the following monetary sanctions: \$600.00 penalty for violation of Count 1 and \$1,300.00 for violation of Count 2. Total monetary penalty is \$1,900.00. The Board imposed revocation of license 2705-068874 for violation of Count 1 and 2.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-00379 Preston Hancock, t/a Hancock Construction the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-00379
Preston
Hancock, t/a
Hancock
Construction**

Neither Preston Hancock, t/a Hancock Construction (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Mr. Kinser and Ms. Wall** were not present, did not participate in the discussion and did not vote. Mr. Kirby chaired this case.

After discussion, a motion was made by **Mr. Walton** and seconded by **Ms.**

Wood to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Preston Hancock**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 17

Count 2: 18 VAC 50-22-260 B 9

Count 3: 18 VAC 50-22-260 B 15

Count 4: 18 VAC 50-22-260 B 17

(Effective September 1, 2001)

Count 5: 18 VAC 50-22-230 B

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Walton** and seconded by **Ms. Wood** to impose the following monetary sanctions: \$700.00 penalty for violation of Count 1; \$400.00 for violation of Count 2; \$1,700 for violation of Count 3; \$1,700.00 for violation of Count 4 and \$500.00 for violation of Count 5. Total monetary penalty if \$6,000.00. The Board further imposes revocation of license **2705-074499** for the violation of the regulation for counts 1 , 3 and 4.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-00998 Don Brown, t/a One Way Contracting the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-00998
Don Brown,
t/a One Way
Contracting

Neither Don Brown, t/a One Way Contracting (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Don Brown** violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 8

Count 2: 18 VAC 50-22-260 B 9

Count 3: 18 VAC 50-22-260 B 31

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following monetary sanctions: \$400.00 penalty for violation of Count 1: \$700.00 for violation of Count 2 and \$400.00 for violation of Count 3. Total monetary penalty if \$1,500.00. The Board also requires Don Brown to successfully complete the Board’s Basic Contracting Licensing Class within six months of the order

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Disciplinary File Number 2006-01705 Annaise T Washington, t/a More Than Conquerors, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Annaise T Washington, t/a More Than Conquerors (Respondent) did not appear at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

File Number
2006-01705
Annaise T
Washington,
t/a More
Than
Conquerors

After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Smith** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference and adopt the Recommendations. The Board found substantial evidence that Annaise T Washington violated the following section of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 15

Count 3: 18 VAC 50-22-260 B 16

(Effective September 1, 2001)

Count 4: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting “Yes” were: **Kinser Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by Mr. Kirby and seconded by Mr. Walton to impose the following sanctions: \$400.00 for violation of Count 1; \$1,700.00 for violation of Count 2; \$2,000.00 for violation of Count 3 and \$1,300.00 for violation of Count 4. Total monetary penalty is \$5,400.00. . The Board also imposes revocation of license (2705-086741) for violation of Count 2, 3 and 4. The Board further imposes successful completion of the Board’s Basic Contracting Licensing Class within six months of the Board’s order.

The motion passed unanimously. Members voting "yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin, Kinser and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Disciplinary File Number 2006-02098 Randy Wayne Turner, t/a Randy Wayne Turner the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Neither Randy Wayne Turner, t/a Randy Wayne Turner (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

File Number
2006-02098
Randy
Wayne
Turner, t/a
Randy
Wayne
Turner

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Randy Wayne Turner**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9 (five violations)

Count 2: 18 VAC 50-22-260 B 27

Count 3: 18 VAC 50-22-260 B 14

Count 4: 18 VAC 50-22-260 B 16

Count 5: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to impose the following sanctions: \$2,000.00 penalty for violation of Count 1 (five violations @ \$400.00 each); \$700.00 for violation of Count 2; \$1,900.00 for violation of Count 3; \$2,000.00 for violation of Count 4 and \$1,300.00 for violation of Count 5. Total monetary penalty if \$7,900.00. The Board further imposes revocation of license **2705-086547** for the violation of the regulation for counts 3, 4 and 5. The Board requires Randy Wayne Turner to successfully complete the Board's Basic Contracting Licensing Class within six months of the final order.

The motion was approved unanimously. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Disciplinary File Number 2006-02232 Steven Gilk t/a VT the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-02232
Steven Gilk,
t/a VT

Neither Steven Gilk (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. Mr. Hoeft and Ms. Perkins distributed the handout to the Board members. The presiding Board representative **Mr. Kirby and Ms. Wall** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Steven Gilk**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 15

Count 3: 18 VAC 50-22-260 B 16

Count 4: 18 VAC 50-22-260 B 17

The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to impose the following monetary sanctions: \$600.00 penalty for violation of Count 1; \$1,700.00 for violation of Count 2; \$2,000.00 for

violation of Count 3 and \$1,700.00 for violation of Count 4. A total monetary penalty of \$6,000.00. The Board further imposes revocation of license **2705-055574** for the violation of count 2, 3 and 4. The Board also requires Steven Gilk to successfully complete the Board's Basic Contracting Licensing Class within six months of the entry of the final order.

The motion was approved unanimously. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kinser, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-02299 Jason Richard Saint Vincent, t/a Moose And Squirrel Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

Jason Richard Saint Vincent (Respondent) did not appear at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

File Number
2006-02299
Jason
Richard
Saint
Vincent, t/a
Moose And
Squirrel
Construction

After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found the case against **Jason Richard Saint Vincent**, be closed with a finding of no violations.

The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Ms. Rackas Pate** and seconded by **Mr. Hart** to approve the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violations of the Boards Regulations: **The Board imposed the following penalties:** \$700.00 for violation of Count 1; \$400.00 for violation of Count 2; \$2,000.00 for violation of Count 3 and \$2,000.00 for violation of Count 4. Total monetary penalties \$5,100.00. The Board further imposed revocation of license 2705-090375 for violation of Counts 1, 3 and 4. The Board requires Jason Richard Saint Vincent to successfully complete the Board's Basic Contracting Licensing Class within six months of the entry of the final order.

The motion passed with a unanimous vote. Members voting "yes" were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-02398 Jimmie Ciccone t/a Airman Heating & Cooling the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-02398
Jimmie
Cicccone t/a
Airman
Heating &
Cooling

Neither Jimmie Ciccone t/a Airman Heating & Cooling (Respondent) did not appear in person or by counsel or by any other qualified representative at the IFF or the Board meeting. The presiding Board representative **Mr. Smith and Ms. Wall** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Jimmie Ciccone.**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 2

(Effective September 1, 2001)

Count 2: 18 VAC 50-22-260 B 8

Count 3: 18 VAC 50-22-260 B 16

Count 4: 18 VAC 50-22-230 B

The motion was approved by a unanimous vote. Members voting “Yes” were: **Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Hart** to impose the following monetary sanctions: \$600.00 penalty for violation of Count 1: \$400.00 for violation of Count 2; \$2,000.00 for violation of Count 3 and \$350.00 for violation of Count 4. Total monetary penalty if \$3,350.00. The Board further imposes revocation of license **2705-087852** for the violation of counts 1, 3 and 4. The Board required Jimmie Ciccone to successfully complete the Board’s Basic Contracting Licensing Class within six months of the order.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Disciplinary File Number 2006-02672 Randy Wayne

File Number

Turner, t/a Randy Wayne Turner the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

2006-02672
Randy
Wayne
Turner, t/a
Randy
Wayne
Turner

Neither Randy Wayne Turner t/a Randy Wayne Turner (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board representatives **Ms. Wall and Mr. Kinser** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Randy Wayne Turner**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 27

Count 3: 18 VAC 50-22-260 B 14

Count 4: 18 VAC 50-22-260 B 13

Count 5: 18 VAC 50-22-230 B

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to impose the following monetary sanctions: \$400.00 penalty for violation of Count 1; \$700.00 for violation of Count 2; \$1,900.00 for violation of Count 3; \$1,300.00 for violation of Count 4 and \$500.00 for violation of Count 5. Total monetary penalty if \$4,800.00. The Board further imposes revocation of license **2705-086547** for the violation of count 3 and 4. The Board also required Randy Wayne Turner to successfully complete the Board’s Basic Contracting Licensing Class within six months of the entry of the final order.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-03531 Sharon Owens, t/a Choice General Contracting the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-03531
Sharon
Owens, t/a

**Choice
General
Contracting**

Neither Sharon Owens (Respondent) nor anyone on her behalf appeared at the IFF or the Board meeting. The presiding Board representative **Ms. Wall** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Sharon Owens**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-230 A

Count 2: 18 VAC 50-22-260 B 6

Count 3: 18 VAC 50-22-260 B 28

The motion was approved by a unanimous vote. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Kinser, Tomlin and Wood. Orange, Cronin and Modisett were absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following monetary sanctions: \$100.00 penalty for violation of Count 1: \$540.00 for violation of Count 2 and \$1,500.00 for violation of Count 3. Total monetary penalty if \$2,140.00. The Board further imposes revocation of license **2705-086547** for the violation of count 4. The Board also required Sharon Owens to successfully complete the Board’s Basic Contracting Licensing Class within six months of the entry of the final order. The Board voted to close Count 2 with a finding of no violation.

The motion was approved unanimously. Members voting “Yes” were: **Smith, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin, Kinser and Wood. Orange, Cronin and Modisett were absent.**

In the matter of Disciplinary File Number 2006-03887 Jimmie Sylvester Ciccone, Jr. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-03887
Jimmie
Sylvester
Ciccone, Jr.**

Jimmie Sylvester Ciccone, Jr. (Respondent) appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Ms. Wall and Mr. Smith** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Wood** (to correct the license

number to reflect the Regulant's tradesman license) and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Ciccone** violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-30-190 2

The motion was approved by a unanimous vote. Members voting "Yes" were: **Kinser, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Ms. Tomlin** to impose the following monetary sanctions: \$600.00 penalty for violation of Count 1. Total monetary penalty if \$600.00. The Board further imposes revocation of license for violation of count 1.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Redifer, Rackas Pate, Miller, Walton, Hart, Kirby, Tomlin and Wood.** **Orange, Cronin and Modisett** were absent.

In the matter of Consent Order File Number 2005-05047 Board v. Mullins Land Development Inc, t/a Mullins Land Development Inc, the board reviewed the Consent Order. **Mullins Land Development Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.9, \$150.00; Count 2: 18 VAC 50-22-260.B.31 \$500.00. A total monetary penalty of \$650.00 is hereby imposed. In addition, for violation, the Board finds Mullins Land Development Inc., agrees to have a member of Responsible Management successfully complete its Basic Contracting Licensing Class within six months of the entry of the order. In addition, Mullins Land Development Inc also agrees to pay \$150.00 in Board costs.**

File Number
2005-05047
Mullins
Land
Development
Inc, t/a
Mullins
Land
Development
Inc

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

In the matter of Consent Order File Number 2006-00905, Board v. Shawn Phillips, t/a Shawn Phillips, the Board reviewed the Consent Order.

Shawn Phillips acknowledges an understanding of the charges and hereby

File Number
2006-00905
Shawn
Phillips, t/a

admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.9 \$300.00; Count 2: 18 VAC 50-22-260.B.27 \$500.00; Count 3: 18 VAC 50-22-260.B.6 \$800.00; Count 4: 18 VAC 50-22-260.B.16 \$300.00 and Count 5: 18 VAC 50-22-260.B.28 \$500.00. A total monetary penalty of \$2,400.00 is hereby imposed. In addition, for the violation of Counts 1 thru 5, Shawn Phillips agrees to successfully complete remedial education by attending the Board's Contracting Licensing Class and passing the examination within six months of the effective date of the order. In addition, for violation of Counts 4 and 5, Shawn Phillips agrees to satisfy the judgment in accordance with the June 29, 2006 agreement, provide the Board with proof of payments every six (6) months, and provide proof of satisfaction of the judgment within thirty (30) days of the final payment. Failure to comply with these terms will result in automatic revocation of his license.**

**Shawn
Phillips**

As the Board Representative, Mr. Kinser did not participate and did not vote.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-01753, Board v. Earl W. Higgins, t/a Higgins Well Drilling, the Board reviewed the Consent Order.

**File Number
2006-01753
Earl W.
Higgins, t/a
Higgins Well
Drilling**

Earl W. Higgins acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.8 \$300.00; Count 2: 18 VAC 50-22-260.B.9 \$300.00; Count 3: 18 VAC 50-22-260.B.14 \$500.00; Count 4: 18 VAC 50-22-260.B.16 \$500.00; Count 5: 18 VAC 50-22-260.B.28 \$500.00. A total monetary penalty of \$2,100.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Earl W. Higgins agrees to successfully complete remedial education by attending the Board's Contracting License Class and passing the examination within six (6) months of the effective date of this order. In addition, for violation of Counts 3, 4, and 5, Earl W. Higgins agrees to satisfy the judgment and provide the Board with proof of the satisfaction within six (6) months of the effective date of this order. However, if Earl W. Higgins establishes a payment plan and enters into a written agreement with David Mosier, Earl W. Higgins agrees to provide a copy of the agreement and satisfy the judgment in accordance with that agreement. Failure to comply with this term will result in automatic revocation of his license.**

As the Board Representative, Mr. Kinser did not participate and did not vote.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

In the matter of Consent Order File Number 2006-01972, Board v. Larry Gayle Elliott, t/a Cross Timbers Concrete, the Board reviewed the Consent Order.

File Number
2006-01972
Larry Gayle
Elliott, t/a
Cross
Timbers
Concrete

Larry Gayle Elliott acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Larry Gayle Elliott consents to the following term(s): Count 1: 18 VAC 50-22-260.B.5 \$500.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, Larry Gayle Elliott agrees to successfully complete the Board's Basic Contracting Licensing Class within six months of the effective date of the order. Larry Gayle Elliott also agrees to pay \$150.00 in Board costs.

As the Board Representative, Mr. Kinser did not participate and did not vote.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart**, the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

In the matter of Consent Order File Number 2006-02206, Board v. Kenneth Howard Hudgins, t/a Pools By Duck, the Board reviewed the Consent Order.

File Number
2006-02206
Kenneth
Howard
Hudgins, t/a
Pools By
Duck

Kenneth Howard Hudgins acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$300.00; Count 2: 18 VAC 50-22-260.B.15 \$500.00; Count 3: 18 VAC 50-22-260.B.16 \$500.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition, Kenneth Howard Hudgins agrees to successfully complete remedial education by attending the Board's Basic Contracting Licensing Class and passing the examination within six months of the effective date of the order. Additionally, Kenneth Howard Hudgins agrees to provide proof of completion of substance abuse counseling and

treatment he is currently undergoing within one (1) year of the effective date of this order. Kenneth Howard Hudgins also agrees to satisfy the judgment of \$4,475.00 and provide the Board with proof of the satisfaction within forty-five (45) days of the effective date of this order. Kenneth Howard Hudgins also agrees to pay \$150.00 in Board costs.

Upon a motion by Mr. Walton seconded by Mr. Hart the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-02114, Board v. Christopher P. Haskins, t/a Haskins Construction, the Board reviewed the Consent Order.

File Number
2006-02114
Christopher
P. Haskins,
t/a Haskins
Construction

Christopher P. Haskins, t/a Haskins Construction, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.30 \$1,275.00. A total monetary penalty of \$1,275.00 is hereby imposed. In addition, Christopher P. Haskins agrees to successfully complete its Basic Contracting Licensing Class within six months of the effective date of the order. Christopher P. Haskins also agrees to pay \$150.00 in Board costs.**

Upon a motion by Mr. Walton seconded by Mr. Hart the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-02411, Board v. Backyard Creations Inc, t/a Backyard Creations Inc, the Board reviewed the Consent Order.

File Number
2006-02411
Backyard
Creations
Inc, t/a
Backyard
Creations
Inc

Backyard Creations Inc, t/a Backyard Creations Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.10 \$300.00; Count 2: 18 VAC 50-22-260.B.31 \$400.00; count 3 18 VAC 50-22-260.B.5 \$1,000.00; Count 4: 18 VAC 50-22-260.B.25 \$1,000.00. A total monetary penalty of \$2,700.00 is hereby imposed. In addition, for the violation of Counts 1, 2, 3, and 4, Backyard Creations Inc agrees to have a member of Responsible**

Management successfully complete remedial education by attending the Board's Basic Contracting Licensing Class and passing the examination within six months of the effective date of the order. Backyard Creations Inc also agrees to pay \$300.00 in Board costs.

As the Board Representative, Mr. Wood did not participate and did not vote.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, and Tomlin. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-002781, Board v. Thomas Newman, t/a Thomas Newman General Contractors, the Board reviewed the Consent Order.

Thomas Newman acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.8 \$-0-. A total monetary penalty of \$000.00 is hereby imposed. In addition for violation, Thomas Newman agrees to successfully complete remedial education by attending the Board's Contracting License Class and passing the examination within six (6) months of the effective date of this order. Thomas Newman also agrees to pay \$150.00 in Board costs.

As the Board Representative, Mr. Smith did not participate and did not vote.

Upon a motion by **Mr. Walton**, seconded by **Mr. Hart** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-02794 Board v. Jimmy Costello & Eddie Sherlock, t/a Costello & Sherlock Painting, the Board reviewed the Consent Order.

Jimmy Costello and Eddie Sherlock, t/a Costello & Sherlock Painting acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.8 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, Jimmy Costello & Eddie Sherlock agree to have a member of Responsible Management successfully complete remedial education by

**File Number
2006-02781
Thomas
Newman, t/a
Thomas
Newman
General
Contractors**

**File Number
2006-02794
Jimmy
Costello &
Eddie
Sherlock, t/a
Costello &
Sherlock
Painting**

attending its **Basic Contracting Licensing Class** within six (6) months of the effective date of the order. **Jimmy Costello & Eddie Sherlock** also agree to pay **\$150.00** in Board costs.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

In the matter of Consent Order File Number 2006-02946, Board v. Dunbar Industries Inc, t/a Commonwealth Heating & Cooling, the Board reviewed the Consent Order.

File Number
2006-02946,
Dunbar
Industries
Inc, t/a
Commonwea
lth Hgt &
Cooling

Dunbar Industries Inc, t/a Commonwealth Hgt & Cooling, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.6 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, Dunbar Industries Inc, t/a Commonwealth Hgt & Cooling agrees to have a member of Responsible Management successfully complete its Basic Contracting Licensing Class within six (6) months of the effective date of the order. Dunbar Industries Inc, t/a Commonwealth Hgt & Cooling also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

In the matter of Consent Order File Number 2006-03171, Board v. Kenneth B. Proffitt, t/a Kp Construction, the Board reviewed the Consent Order.

File Number
2006-03171
Kenneth B
Proffitt, t/a
Kp
Construction

Kenneth B Proffitt acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.6 \$800.00; Count 2: 18 VAC 50-22-260.B.31 \$400.00. A total monetary penalty of \$1,200.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Kenneth B Proffitt agrees to successfully complete remedial education by attending the Board's Basic Contracting Licensing Class and passing the examination within six months of the effective date of the order. Kenneth B Proffitt also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the

consent order with an unanimous vote: Members voting “Yes” were:
Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange, and Cronin were absent.

In the matter of Consent Order File Number 2006-03393, Board v. McDewey Construction LLC, t/a McDewey Construction LLC, the Board reviewed the Consent Order.

McDewey Construction LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 8 \$00.00. A total monetary penalty of \$00.00 is hereby imposed. In addition, for the violation of Count 1, McDewey Construction LLC agrees to have a member of Responsible Management successfully complete its Basic Contracting Licensing Class within six months of the effective date of the order. McDewey Construction LLC also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Kirby** the board ratified the consent order with an unanimous vote: Members voting “Yes” were:
Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-03450, Board v. Eric A Medlin t/a Allied Contractors, the Board reviewed the Consent Order.

Eric A Medlin, t/a Allied Contractors acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 8 \$400.00 and Count 2: 18 VAC 50-22-260.b.6 \$500.00. A total monetary penalty of \$900.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Eric A Medlin agrees to successfully complete the Board’s Basic Contracting Licensing Class within six months of the effective date of the order. Eric A Medlin also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Redifer** seconded by **Mr. Walton** the board ratified the consent order with an unanimous vote: Members voting “Yes” were:
Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-03473, Board v.

File Number
2006-03393
McDewey
Construction
LLC t/a
McDewey
Construction
LLC
Sheila Starts
here

File Number
2006-03450
Eric A
Medlin t/a
Allied
Contractors

File Number

George A Morrow, t/a G A Morrow, the Board reviewed the Consent Order.

**2006-03473
George A
Morrow, t/a
G A Morrow**

George A Morrow, t/a G A Morrow acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 8 \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for the violation, Dale S Jenkins agrees to have a member of Responsible Management successfully complete its Basic Contracting Licensing Class within six months of the effective date of the order. Dale S Jenkins also agrees to pay \$150.00 in Board costs.

Upon a motion by **Mr. Redifer** seconded by **Mr. Kirby** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-03576, Board v. Architecture Metal Systems Inc, t/a Architecture Metal Systems Inc, the Board reviewed the Consent Order.

**File Number
2006-03576
Architecture
Metal
Systems Inc,
t/a
Architecture
Metal
Systems Inc**

Architecture Metal Systems Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 15 \$1,300.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition, for the violation of Count 1, Architecture Metal Systems Inc agrees to successfully complete its Basic Contracting Licensing Class within six months of the effective date of the order. Architecture Metal Systems Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**
In the matter of Consent Order File Number 2006-03761, Board v. Wesley S Robinson, t/a St Clair Construction, the Board reviewed the Consent Order.

**File Number
2006-03761
Wesley S
Robinson, t/a
St Clair
Construction**

Wesley S Robinson acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 15 \$1,700.00 and Count 2: 18 VAC 50-22-260. B 6 \$850.00. A total monetary penalty of \$2,550.00 is hereby imposed. In addition, for the violations, Wesley S Robinson agrees to complete the Boards Licensing Class know as Remedial Education within six months of the effective date

of the order.

Upon a motion by **Mr. Hart** seconded by **Mr. Kirby** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-03820, Board v. Keith C Herbert t/a Keith C Herbert Plumbing, the Board reviewed the Consent Order.

Keith C Herbert acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 8 \$200.00 and Count 2: 18 VAC 50-22-260.B.27 \$300.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, Keith C Herbert agrees to have a member of Responsible Management successfully complete its Basic Contracting. Keith C Herbert also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-03907, Board v. Hubert E Bush III, the Board reviewed the Consent Order.

Hubert E Bush III acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 9 \$550.00. A total monetary penalty of \$550.00 is hereby imposed. In addition, Hubert E Bush III agrees to successfully complete the Board's Basic Contracting Licensing class. Hubert E Bush III also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-03820, Board v. Thomas R Gaines, t/a Gaines Electric Company, the Board reviewed the

File Number
2006-03820
Keith C
Herbert, t/a
Keith C
Herbert
Plumbing

File Number
2006-03907
Hubert E
Bush III, t/a
T & Home
Imp

File Number
2006-04013

Consent Order.

Thomas R Gaines acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-230.A \$200.00 and Count 2: 18 VAC 50-22-260.B.9 \$200.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, Thomas R Gaines agrees to successfully complete the Board's Basic Contracting Licensing Class within six months of the entry of the order. Thomas R Gaines also agrees to pay \$150.00 in Board costs.**

**Thomas R
Gaines, t/a
Gaines
Electric
Company**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-04045, Board v. John H Whalen, t/a Chesapeake Remodeling And Custom Homes, the Board reviewed the Consent Order.

**File Number
2006-04045
John H
Whalen, t/a
Chesapeake
Remodeling
And Custom
Homes**

John H Whalen acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 31 \$200.00. A total monetary penalty of \$200.00 is hereby imposed. In addition, John H Whalen agrees to successfully complete the Basic Contracting Licensing Class. John H Whalen also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-04212, Board v. K B Custum Builders Inc, t/a K B Custum Builders Inc, the Board reviewed the Consent Order.

**File Number
2006-04212
K B Custum
Builders Inc,
t/a K B
Custum
Builders Inc**

K B Custum Builders Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 6 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, K B Custum Builders Inc. agrees to have a member of Responsible Management successfully complete the Board's Basic Contracting Licensing class. K B Custum Builders Inc also agrees to pay**

\$150.00 in Board costs.

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-04127, Board v. John H Wood, t/a JPS Pool & Spa Co, the Board reviewed the Consent Order.

File Number
2006-04127
John H
Wood, t/a
JPS Pool &
Spa Co

John H Wood acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 27 \$700.00. A total monetary penalty of \$700.00 is hereby imposed. In addition, John H Wood agrees to successfully complete the Board's Basic Contracting Licensing class within six months of the order. John H Wood also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-04244, Board v. Louis Albert Stieglbauer, Sr., the Board reviewed the Consent Order.

File Number
2006-04244
Louis Albert
Stieglbauer,
Sr.

Stieglbauer acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-30-190.1 \$800.00 and Count 2: 18 VAC 50-30-190.14 \$200.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, Stieglbauer agrees to successfully complete the Board's Basic Contracting Licensing Class within six months of the effective date of the order. Stieglbauer also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** Modisett, Orange and Cronin were absent.

In the matter of Consent Order File Number 2006-04364, Board v. Procon Inc, the Board reviewed the Consent Order.

File Number
2006-04364
Procon Inc

Procon Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 8 \$350.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, Procon Inc agrees to have a member of Responsible Management successfully complete the Boards Basic Contracting Licensing Class. Procon Inc also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-04410, Board v. Kinsinger Construction Inc, the Board reviewed the Consent Order.

**File Number
2006-04410
Kinsinger
Construction
Inc**

Kinsinger Construction Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 10 \$50.00 and 18 VAC 50-22-260.B.6 \$50.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, Kinsinger Construction Inc agrees to have a member of Responsible Management successfully complete its Basic Contracting. Keith C Herbert also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood. Modisett, Orange and Cronin were absent.**

In the matter of Consent Order File Number 2006-05067, Board v. Enterprise Builders Construction Inc, the Board reviewed the Consent Order.

**File Number
2006-05067
Enterprise
Builders
Construction
Inc**

Enterprise Builders Construction Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 9 \$500.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, Enterprise Builders Construction Inc agrees to have a member of Responsible Management successfully complete the Board's Basic Contracting Licensing Class within six months of the order. Enterprise Builders Construction Inc also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Mr. Walton** seconded by **Mr. Hart** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Rackas Pate, Smith, Miller, Tomlin and Wood.** **Modisett, Orange and Cronin** were absent.

Mr. Hart shared with the Board that more than ample time had been allocated for case 2005-04840 to agree to consent order terms. He felt the Board had been more than patient and he wanted staff to let the Regulant and others know that under no circumstances will these proceedings set a precedence for this Board.

File Number
2005-04840
Handout

In the matter of Consent Order File Number 2006-04840, Board v. Robert B Large, t/a Sherwood Builders, the Board reviewed the Consent Order.

File Number
2005-04840
Robert B
Large t/a
Sherwood
Builders

Robert B Large acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 9a \$1,000.00; Count 2: 18 VAC 50-22-260.B.9 \$600.00; Count 3: 18 VAC 50-22-260.B.31 \$1,500.00; Count 4: 18 VAC 50-22-260.B.5 \$2,500.00.** A total monetary penalty of \$5,600.00 is hereby imposed. In addition, **Robert B Large** agrees to successfully complete the Board's Basic Contracting Licensing class within six months of the order. **Robert B Large** also agrees to pay \$500.00 in Board costs.

Upon a motion by **Mr. Walton** seconded by **Mr. Smith** the board ratified the consent order with a majority vote: Members voting "Yes" were: **Kinser, Kirby, Redifer, Walton, Hart, Smith, Miller and Tomlin.** **Modisett, Orange and Cronin** were absent. Members voting no were: **Rackas Pate and Wood.**

Mr. Jay DeBoer shared with the Board that he extends sincere thanks to each member for their patience and attention to detail involved with the time consuming case they dealt with. He stated, "Your actions here today has saved the agency a considerable amount of resources."

Director's
Comments

Mr. Olson shared with the Board that pre license education Emergency Regulations are in effect as of August 21, 2006. Brief summary of significant changes or 18 VAC 50-22-10 are: A member of Responsible Management or the Designated Employee of all business entities applying for a new basic business course approved by the Board for Contractors as a prerequisite to licensure. Schools are supposed to be up and running and ready to provide the course needed to the applicants. Staff wants the Board to allow the Executive Director and the Regulatory Boards Administrator to provisionally

Other Board
Business

approve the application of pre-license education providers who are seeking to offer live classroom courses, until they can be reviewed by the Committee. This does not apply to distance or internet providers. Mr. Kirby commented that this would be great as long as there are no online and no correspondence classes approved. Ms. Wood offered a motion to give staff permission to provisionally approve providers for the Committee. Mr. Kirby seconded the motion. The motion passed unanimously. Members voting "yes" were: Kinser, Kirby, Smith, Hart, Tomlin, Rackas Pate, Wood, Walton, Redifer and Miller. Cronin, Modisett and Orange were absent.

Board Meeting Schedule

In November or December of 2006 we will review meeting stats with the Board and determine the continued feasibility of meeting every six weeks vs. every four weeks.

Their being no further business to come before the board, the meeting was adjourned at 1:58 P.M. upon a motion by Ms. Wood and seconded by Mr. Smith. The vote was unanimous. Members voting yes were: **Kinser, Kirby, Miller, Tomlin, Smith, Redifer, Rackas Pate, Hart, Wood and Walton. Mr. Cronin, Orange and Modisett were absent.**

Adjourn- ment

Mark D. Kinser, Chairman

Jay W. DeBoer, Secretary

Copy teste:

Custodian of the Record